

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI (ST. LOUIS)

In Re:)	Case No. 19-42616-659
KAMRAN TAJKARIMI)	
)	Chapter 13
Debtor(s))	
)	Motion No.
)	
FIRST COMMUNITY CREDIT UNION)	NOTICE OF HEARING &
)	MOTION FOR RELIEF FROM
)	STAY
Movant)	
)	Hearing Date: 6/3/2019
)	Hearing Time: 10:00 AM
)	Hearing Place: Courtroom 7 North

PLEASE TAKE NOTICE that the Motion For Relief From Stay filed by First Community Credit Union is set for hearing before the Honorable Kathy A. Surratt-States in the Thomas F. Eagleton United States Court House, 7 North, 111 S. Tenth Street, St. Louis, Missouri on **June 3, 2019 at 10:00 AM**.

WARNING: THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE BY MAY 27, 2019.

YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. THE DATE IS SET OUT ABOVE. UNLESS THE PARTIES AGREE OTHEWEWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

COMES NOW First Community Credit Union ("Movant"), and states:

1. Debtor's Chapter 13 case was filed on 04/25/2019. This is debtor's second Chapter 13 case. The first case was filed on 03/13/2018 (#18-41448-659) and dismissed on 04/11/2018.

2. The Court has jurisdiction over this matter pursuant to 28 U.S.C Sections 151, 157 and 1334 and E.D. Mo L.R. 81-9.01(B). This is a core proceeding pursuant to 28 U.S.C Section 157(b)(2). Venue is proper in this District under 28 U.S.C Section 1409(a).

3. On or about 05/21/2012 Debtor executed an Open-End Home Equity Credit Agreement ("Credit Agreement") with Movant in which the credit limit was established at \$90,000. A copy of the Credit Agreement is attached hereto.

4. The Credit Agreement is secured by a Deed of Trust dated 05/21/2012 and recorded in Book 20009 at Page 2244 with the St. Louis County Recorder of Deeds constituting a lien on real estate owned by Debtor and commonly known as 2150 Kehrs Mill Road, Chesterfield, Missouri 63005. The legal description is as follows:

LOT 102 OF KEHRSWOOD PLAT 1, A SUBDIVISION IN THE COUNTY OF ST. LOUIS, STATE OF MISSOURI, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 256 PAGES 70-71 OF THE ST. LOUIS COUNTY RECORDS.

5. The approximate balance due under the Credit Agreement is \$75,300.63 plus attorney fees, interest, and costs. The account is past due for the 10/15/2018 payment and all coming due thereafter.

6. Movant seeks relief from stay to foreclose its interest in said property. Pursuant to 11 U.S.C. 362 (d)(2), grounds exist to grant relief from stay because:

a) Debtor filed his first Chapter 13 case (18-41448) on 03/13/2018 in order to halt Movant's scheduled foreclosure. The first case was dismissed less than one month after it was filed because debtor failed to file Schedules, Statements and Plan and failed to attend the 341 meeting. Debtor did not pay his first Plan payment.

b) Movant again scheduled a foreclosure which was set for 04/26/2019. Debtor filed the instant case on 4/25/2019 in order to halt that foreclosure.

c) Debtor filed the instant case pro se. Debtor has not filed Schedules, Statements, or a Plan in the instant case.

d) Debtor is attempting to manipulate the bankruptcy system while hoping to remain in his home for free.

7. Movant further requests waiver of the 14-day stay provision of Rule 4001(a)(3) of the Federal Rules of Bankruptcy Procedure.

WHEREFORE, First Community Credit Union respectfully prays this Court grant its motion and enter an order terminating the automatic stay of 11 U.S.C. 362 so as to permit Movant to foreclose its lien against the property in accordance with the terms of its Credit Agreement and Deed of Trust and applicable state law including obtaining possession of the property after foreclosure, for an order waiving the 14-day stay provision of Rule 4001(a)(3), and for such other Orders as the Court may deem just and proper.

EXHIBIT SUMMARY

Pursuant to L.R. 9040-1, the following exhibits are referenced in support of this motion for relief from stay. Copies of these exhibits will be provided as required by Local Rules:

1. Home Equity Line of Credit and Deed of Trust

SOMMARS & ASSOCIATES, L.L.C.

By: /s/ Donna M. Sommars

Donna M. Sommars MO #34043

Pamela B. Leonard MO #37027

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was filed electronically on 4/29/2019 with the U.S. Bankruptcy Court and has been served on the parties in interest via email by the Court's CM/ECF System as listed on the Court's Electronic Mail Notice List.

I certify that a true and correct copy of the foregoing was filed electronically with the U.S. Bankruptcy Court and has been served by Regular U.S. Mail Service, first class, postage prepaid, addressed to the parties listed on the Court's Manual Notice List and listed below on 4/29/2019:

Kamran Tajkarimi, debtor, 2150 Kehrs Mill Rd, Chesterfield, MO 63005

/s/ Donna M. Sommars